

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTAIn re:
Richard S. VirnigCase No. 20-40188
CHAPTER 13 PLAN ☒ Modified
Dated July 30, 2020Debtor.
In a joint case, debtor means debtors in this plan.**Part 1. NOTICE OF NONSTANDARD PLAN PROVISIONS, SECURED CLAIM LIMITATIONS, AND LIEN OR SECURITY INTEREST AVOIDANCE: Debtor must check the appropriate boxes below to state whether or not the plan includes each of the following items:**

1.1	A limit on the amount of a secured claim based on a valuation of the collateral for the claim, set out in Parts 9 or 17	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.2	Avoidance of a security interest or lien, set out in Part 17	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 17	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

Part 2. DEBTOR'S PAYMENTS TO TRUSTEE

- 2.1 As of the date of this plan, the debtor has paid the trustee \$0.00.
- 2.2 Beginning February 2020, the debtor will pay the trustee \$2,800.00 per month for 10 months, for a total of \$28,000.00; then \$4,210.00 per month for 14 months for a total of \$58,940.00; then \$4,710.00 per month for 36 months for a total of \$169,560.00. The initial plan payment is due not later than 30 days after the order for relief.
- 2.3 The minimum plan length is ☐ 36 months or ☒ 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- 2.4 The debtor will also pay the trustee \$0.00.
- 2.5 The debtor will pay the trustee a total of \$256,500.00 [lines 2.1 + 2.2 + 2.4].

Part 3. PAYMENTS BY TRUSTEE: The Trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$25,650.00 [line 2.5 x .10].

Part 4. ADEQUATE PROTECTION PAYMENTS (§ 1326(a)(1)(C)): The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

	Creditor	Monthly payment	Number of payments	Total payments
4.1	NONE			
4.2				
	TOTAL			

Part 5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES (§ 365): The debtor assumes the following executory contracts or unexpired leases. Debtor will pay directly to creditors all payments that come due after the date the petition was filed. Cure provisions, if any, are set forth in Part 8.

	Creditor	Description of property
5.1	Delbert Schieberl	Residential lease
5.2		

Part 6. CLAIMS NOT IN DEFAULT: Payments on the following claims are current and the debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens, if any.

	Creditor	Description of property
6.1	NONE	
6.2		

Part 8. CLAIMS IN DEFAULT (§§ 1322(b)(3) AND (5) AND 1322(e)): The trustee will cure payment defaults on the following claims as set forth below. The debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens, if any. **All following entries are estimates, except for interest rate.**

Part 9. SECURED CLAIMS SUBJECT TO MODIFICATION (“CRAMDOWN”) PURSUANT TO § 506 (§ 1325(a)(5)) (secured claim amounts in this Part control over any contrary amounts except for secured claims of governmental units): The trustee will pay, on account of the following allowed secured claims, the amount set forth in the “Total Payments” column below. Unless otherwise specified in Part 17, the creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor’s discharge, and if this case is dismissed or converted without completion of the plan, such liens shall also be retained by such holders to the extent recognized by applicable nonbankruptcy law. **Notwithstanding a creditor’s proof of claim filed before or after confirmation, the amount listed in this Part as a creditor’s secured claim binds the creditor pursuant to 11 U.S.C. § 1327 and confirmation of the plan is a determination of the creditor’s allowed secured claim.** For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with FRBP 3012(c) controls over any contrary amount.

[illegible]

Part 10. SECURED CLAIMS EXCLUDED FROM § 506 AND NOT SUBJECT TO MODIFICATION (“CRAMDOW”) (§ 1325(a)) (910 vehicles and other things of value)(allowed secured claim controls over any contrary amount):

The trustee will pay in full the amount of the following allowed secured claims. **All following entries are estimates, except for interest rate.** The creditors will retain liens. Unmodified 910 claims not in default are addressed in Part 6. Unmodified 910 claims in default are addressed in Part 8.

	Creditor	Claim amount	Interest rate	Beginning in month #	(Monthly payment	x Number of payments)	= Plan payments	+ Adq. Pro. from Part 4	= Total payments
10.1	NONE								
10.2									
	TOTAL								

Part 11. PRIORITY CLAIMS (not including claims under Part 12): The trustee will pay in full all claims entitled to priority under § 507(a)(2) through (a)(10), including the following. **The amounts listed are estimates.** The trustee will pay the amounts actually allowed.

	Creditor	Estimated claim	Monthly payment	Beginning in month #	Number of payments	Total payments
11.1	Thomas H. Olive Law, PA	4,000.00	2520.00	1	1	2,520.00
11.2	Thomas H. Olive Law, PA		1480.00	2	1	1,480.00
11.3	Internal Revenue Service	189,739.07	2290.00	8	2	5,980.00
11.4	Internal Revenue Service		3355.00	10	15	50,325.00
11.5	Internal Revenue Service		3770.00	25	35	131,950.00
11.6	Internal Revenue Service		1484.07	60	1	1484.07
11.7	MN Department of Revenue	23,880.03	230.00	8	2	460.00
11.8	MN Department of Revenue		434.00	10	15	6,510.00
11.9	MN Department of Revenue		469.00	25	35	16,415.00
11.10	MN Department of Revenue		495.03	60	1	495.03
	TOTAL					217,619.10

Part 12. DOMESTIC SUPPORT OBLIGATION CLAIMS: The trustee will pay in full all domestic support obligation claims entitled to priority under § 507(a)(1), including the following. **The amounts listed are estimates.** The trustee will pay the amounts actually allowed.

	Creditor	Estimated claim	Monthly payment	Beginning in month #	Number of payments	Total payments
12.1	NONE					
	TOTAL					

Part 13. SEPARATE CLASSES OF UNSECURED CLAIMS: In addition to the class of unsecured claims specified in Part 14, there shall be separate classes of non-priority unsecured claims described as follows:_____.

The trustee will pay the allowed claims of the following creditors. **All entries below are estimates.**

	Creditor	Estimated Claim	Interest rate (if any)	Monthly payment	Beginning in month #	Number of payments	Total payments
13.1	NONE						
	TOTAL						

Part 14. TIMELY FILED UNSECURED CLAIMS: The trustee will pay holders of non-priority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under Parts 3, 7, 8, 9, 10, 11, 12 and 13 their pro rata share of approximately \$1,912.97 [line 2.5 minus totals in Parts 3, 7, 8, 9, 10, 11, 12 and 13].

14.1 The debtor estimates that the total unsecured claims held by creditors listed in Part 9 are \$0.00.

14.2 The debtor estimates that the debtor's total unsecured claims (excluding those in Parts 9 and 13) are \$94,638.23.

14.3 Total estimated unsecured claims are \$94,638.23 [lines 14.1 + 14.2].

Part 15. TARDILY-FILED UNSECURED CLAIMS: All money paid by the debtor to the trustee under Part 2, but not distributed by the trustee under Parts 3, 4, 7, 8, 9, 10, 11, 12, 13 and 14, will be paid to holders of allowed nonpriority unsecured claims for which proofs of claim were tardily filed.

Part 16. SURRENDER OF COLLATERAL AND REQUEST FOR TERMINATION OF STAY: The debtor has surrendered or will surrender the following property to the creditor. The debtor requests that the stays under §§ 362(a) and 1301(a) be terminated as to the surrendered collateral upon confirmation of the plan.

	Creditor	Description of property
16.1	The Village at Palmetto Dunes	Timeshare
16.2		

Part 17. NONSTANDARD PROVISIONS: The Trustee may distribute additional sums not expressly provided for herein at the trustee's discretion. Any nonstandard provisions, as defined in FRBP 3015(c), must be in this Part. Any nonstandard provision placed elsewhere in the plan is void. Any request by the debtor to modify a claim secured only by a security interest in real property that is the debtor's principal residence must be listed in this Part and the debtor must bring a motion to determine the value of the secured claim pursuant to Local Rule 3012-1(a).

17.1	The Debtor shall send the Trustee each year during the Chapter 13 Plan copies of his/her federal and state income tax returns at the time they are filed. The debtor shall also promptly report to the Trustee the receipt of any state and federal tax refunds for the duration of this Chapter 13 case. Debtor shall be entitled to retain the first \$1,200 of refunds plus any earned income credit (EIC) plus any Minnesota Working Family credit. Any remaining amounts shall be turned over to the Chapter 13 Plan as additional plan payment.
17.2	

SUMMARY OF PAYMENTS:

Class of payment	Amount to be paid
Payments by trustee [Part 3]	25,650.00
Home mortgages in default [Part 7]	
Claims in default [Part 8]	
Secured claims subject to modification (cramdown) pursuant to § 506 [Part 9]	12,097.93
Secured claims excluded from § 506 [Part 10]	
Priority claims [Part 11]	217,619.10
Domestic support obligation claims [Part 12]	
Separate classes of unsecured claims [Part 13]	
Timely filed unsecured claims [Part 14]	1,132.97
TOTAL (must equal line 2.5)	256,500.00

Certification regarding nonstandard provisions:
I certify that this plan contains no nonstandard provision except as placed in Part 17.

Signed: Thomas H. Olive
Attorney for debtor or debtor if pro se

Signed: Richard S. Virnig
Debtor 1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re
Richard S Virnig

Case No. 20-40188

Debtor(s).

SIGNATURE DECLARATION

- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (PLEASE DESCRIBE: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. **[individual debtors only]** If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date:

7-30-20

X

Richard S Virnig
Signature of Debtor 1 or Authorized Representative

X

Signature of Debtor 2

Richard S Virnig

Printed Name of Debtor 1 or Authorized Representative

Printed Name of Debtor 2

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bankruptcy Case No. 20-40188

Richard S. Virnig,
Debtor,

**UNSWORN DECLARATION
OF PROOF OF SERVICE**

Renee Heuton, employed by Thomas H. Olive Law, P.A., attorneys licensed to practice law in this Court, with an office address of 5270 West 84th Street, Suite 300, Bloomington, Minnesota 55437, declares that on August 11, 2020, she served the annexed **proposed Modified Chapter 13 Plan**, upon each of the entities named below through Electronic Case Filing, if applicable, or by mailing copies to each entity entitled to notice pursuant to applicable rules, by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at the Bloomington, Minnesota addressed to each of them as follows:

See attached service list

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: August 12, 2020

Signed: /s/ Renee Heuton

Renee Heuton

SERVICE LIST

US Trustee
1015 US Courthouse
300 S Fourth St
Minneapolis MN 55415

Gregory A Burrell Esq
100 S Fifth St Ste 480
Minneapolis MN 55402

Richard Virnig
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Edina MN 55424

Alltran
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Sauk Rapids MN 56379

American Accounts & Advisers
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Cottage Grove MN 55016

American Express
Customer Service
PO Box 981535
El Paso TX 79998

ARS National Services Inc
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Escondido CA 92046-3023

Bank of America
PO Box 982238
El Paso TX 79998-2238

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Wilmington DE 19899-8803

Big Picture Loans
Customer Support
PO Box 704
Watersmeet MI 49969

Capital Management Services
698 S Ogden St
Buffalo NY 14206-2317

Citi Cards
PO Box 6500
Sioux Falls SD 57117

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St Charles MO 63301-4047

Continental Central Credit
PO Box 131120
Carlsbad CA 92013

Credit Advocates Inc
1551 Southcross Dr W Ste C
Burnsville MN 55306

Credit One Bank
Bankruptcy Dept
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Golden Valley MN 55422

Diversified Adjustment Service
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San Diego CA 92108

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230 Bankruptcy Section
PO Box 64451
St Paul MN 55164-0451

National Credit Adjusters
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Hutchinson KS 67504

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Des Moines IA 50306

NCB Management Services Inc
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Langhorne PA 19047

Ollo Card Services
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Old Bethpage NY 11804

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3800 Park Nicollet Blvd
St Louis Park MN 55416-2699

Radius Global Solutions
PO Box 357
Ramsey NJ 07446

Ramsey County Finance
Collections Enforcement
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RevSolve Inc
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Scottsdale AZ 85257

Rise/Fin Wise Bank
Customer Support
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Ft Worth TX 76185

Southdale Anesthesiologists LLC
Fairview Southdale Hospital
6401 France Ave S
Edina MN 55435

The Village at Palmetto Dunes
co RMC Property Management Inc
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Hilton Head Island SC 29938

The Villages at Palmetto Dunes HOA
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Bluffton SC 29910

Tria Orthopedics
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Bloomington MN 55431

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